

**REMARKS**

Favorable reconsideration of the application is respectfully requested in light of the amendments and remarks herein.

Upon entry of this amendment, claims 27 and 29-32 will be pending. By this amendment, claims 27 and 29-32 have been amended, and claims 18-26 and 28 have been canceled.

**§103 Rejection of Claims 18, 22, 27 and 28**

In Section 2 of the Office Action, the Examiner has rejected claims 18, 22, 27 and 28 under 35 U.S.C. §103(a) as being unpatentable over published Japanese Laid-open Publication No H05-213387 (hereinafter referred to as "H05-213387") in view of published Japanese Utility Model Publication No. H04-32993 (hereinafter referred to as "H04-32993"). This rejection is respectfully traversed below.

Claims 18, 22 and 28 have been canceled, thereby obviating the rejection thereof.

Claim 27 has been amended. Amended claim 27 calls for:

27. (Currently Amended) A case of a folder type having therein a card-type recording device provided with a concave-convex portion in its side surface, for accommodating a disc-type recording medium, comprising:

a first member being a cover of said case, and

a second member being another cover of said case;

wherein in a surface of said first member to be the inner side of the case, a first accommodating region accommodating said disc-type recording medium, which has a frame portion defining a substantially circular periphery, and a second accommodating region having said card-type recording device disposed therein, which has one or more protruding portions defining a substantially polygonal periphery, are disposed so as not to substantially overlap to each other, and the protruding portions which the second

accommodating region has, are disposed so as to avoid the concave-convex portion of the accommodated card-type recording device.

Claim 27 calls for a case having a card-type recording device with a concave-convex portion in its side surface disposed therein. As the cited by the Examiner (and as the Examiner suggests in the Office Action), the cited portions of the two references do not appear to address this combination.

Accordingly, it does not appear that the cited combination of H05-213387 and H04-32993, as referenced by the Examiner in rejecting claim 27, shows or suggests at least these aspects of amended claim 27, and so it is submitted that the cited combination of H05-213387 and H04-32993 shows or suggests amended claim 27 as a whole.

Based upon the foregoing, it is submitted that claims 18, 22, 27 and 28 are not anticipated by nor rendered obvious by the teachings of H05-213387 and H04-32993, as presented and referenced by the Examiner. Accordingly, it is submitted that the Examiner's rejection of claims 18, 22, 27 and 28 based upon 35 U.S.C. §103(a) has been overcome by the present remarks and withdrawal thereof is respectfully requested.

#### §103 Rejection of Claims 19, 24 and 30

In Section 3 of the Office Action, the Examiner has rejected claims 19, 24 and 30 under 35 U.S.C. §103(a) as being unpatentable over published Japanese Laid-open Publication No. H05-213387 (hereinafter referred to as "H05-213387") in view of published Japanese Utility Model Publication No H04-32993 (hereinafter referred to as "H04-32993"), and further in view of Fraser et al. (U.S. Patent No. 5,788,068; hereinafter referred to as "Fraser"). This rejection is respectfully traversed below.

Claims 19 and 24 have been canceled, there by obviating the rejection thereof.

Claim 30 depends from claim 27. As discussed above, it is submitted that the rejection of claim 27 has been overcome. Therefore, it is respectfully submitted that the rejection of claim 30 has also been overcome through the dependence of claim 30 on claim 27.

Based upon the foregoing, it is submitted that claims 19, 24 and 30 are not anticipated by nor rendered obvious by the teachings of H05-213387, H04-32993, and Fraser, as presented and referenced by the Examiner. Accordingly, it is submitted that the Examiner's rejection of claims 19, 24 and 30 based upon 35 U.S.C. §103(a) has been overcome by the present remarks and withdrawal thereof is respectfully requested.

#### §103 Rejection of Claims 23 and 29

In Section 4 of the Office Action, the Examiner has rejected claims 23 and 29 under 35 U.S.C. §103(a) as being unpatentable over published Japanese laid-open Publication No. H05-213387 (hereinafter referred to as "H05-213387") in view of published Japanese Utility Model Publication No. H04-32993 (hereinafter referred to as "H04-32993"), and further in view of Cerda-Vilaplana et al. (U.S. Patent No. 6,276,524; hereinafter referred to as "Cerda-Vilaplana"). This rejection is respectfully traversed below.

Claim 23 has been canceled, there by obviating the rejection thereof.

Claim 29 depends from claim 27. As discussed above, it is submitted that the rejection of claim 27 has been overcome. Therefore, it is respectfully submitted that the rejection of claim 29 has also been overcome through the dependence of claim 29 on claim 27.

Based upon the foregoing, it is submitted that claims 23 and 29 are not anticipated by nor rendered obvious by the teachings of H05-213387, H04-32993, and Cerda-Vilaplana, as presented

and referenced by the Examiner. Accordingly, it is submitted that the Examiner's rejection of claims 23 and 29 based upon 35 U.S.C. §103(a) has been overcome by the present remarks and withdrawal thereof is respectfully requested.

§103 Rejection of Claims 20, 21, 25, 26, 31, and 32

In Section 5 of the Office Action, the Examiner has rejected claims 20, 21, 25, 26, 31, and 32 under 35 U.S.C. §103(a) as being unpatentable over published Japanese Laid-open Publication No. H05-213387 (hereinafter referred to as "H05-213387") in view of published Japanese Utility Model Publication No. H04-32993 (hereinafter referred to as "H04-32993"), and further in view of Takiguchi et al. (Published Japanese Application No. 08-002572; hereinafter referred to as "Takiguchi"). This rejection is respectfully traversed below.

Claims 20, 21, 25 and 26 have been canceled, thereby obviating the rejection thereof.

Claims 31 and 32 depend from claim 27. As discussed above, it is submitted that the rejection of claim 27 has been overcome. Therefore, it is respectfully submitted that the rejection of claims 31 and 32 has also been overcome through the dependence of claims 31 and 32 on claim 27.

Based upon the foregoing, it is submitted that claims 20, 21, 25, 26, 31 and 32 are not anticipated by nor rendered obvious by the teachings of H05-213387, H04-32993, and Takiguchi, as presented and referenced by the Examiner. Accordingly, it is submitted that the Examiner's rejection of claims 20, 21, 25, 26, 31 and 32 based upon 35 U.S.C. §103(a) has been overcome by the present remarks and withdrawal thereof is respectfully requested.

**CONCLUSION**

In view of the foregoing, entry of this amendment, and the allowance of this application with claims 27 and 29-32 is respectfully solicited.


In regard to the claims amended herein and throughout the prosecution of this application, it is submitted that these claims, as originally presented, are patentably distinct over the prior art of record, and that these claims were in full compliance with the requirements of 35 U.S.C. §112. Changes to these claims, as presented herein, are not made for the purpose of patentability within the meaning of 35 U.S.C. §§101, 102, 103 or 112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

In the event that additional cooperation in this case may be helpful to complete its prosecution, the Examiner is cordially invited to contact Applicants' representative at the telephone number written below.

The Commissioner is hereby authorized to charge any insufficient fees or credit any overpayment associated with the above-identified application to Deposit Account 50-0320.

Respectfully submitted,

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